

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE PLATINUM AND PALLADIUM
ANTITRUST LITIGATION

Case No. 1:14-cv-9391 (GHW) (VF)

PLAINTIFFS' MOTION FOR AN ORDER:

- (1) GRANTING PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENT;
(2) CERTIFYING A SETTLEMENT CLASS; (3) APPOINTING SETTLEMENT CLASS
COUNSEL; (4) APPOINTING A CLAIMS ADMINISTRATOR AND ESCROW AGENT;
(5) APPROVING THE FORM AND MANNER OF NOTICE TO THE SETTLEMENT
CLASS; (6) PRELIMINARYLY APPROVING THE PLAN OF ALLOCATION; AND
(7) SCHEDULING A FAIRNESS HEARING**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of the Settlement Agreement with Defendants BASF Metals Limited, Goldman Sachs International, HSBC Bank USA, N.A., and ICBC Standard Bank Plc (collectively, "Defendants"), and all papers submitted therewith, Plaintiffs, through their undersigned counsel, hereby move this Court before the Honorable Gregory H. Woods, United States District Judge, for entry of a proposed Order Preliminarily Approving the Settlement Agreement, Certifying the Settlement Class, and Appointing Class Counsel and Class Representatives for the Settlement Class. The form of the proposed Order has been agreed to by Plaintiffs and Defendants and consists of:

- (1) granting preliminarily approval under Fed. R. Civ. P. 23(c)(2) and 23(e) of the Settlement set forth in the Settlement Agreement;
- (2) preliminarily certifying the following Settlement Class for purposes of settlement only:

All persons or entities who during the period from January 1, 2008 through November 30, 2014 either (i) sold platinum or palladium futures contracts in transactions conducted in whole or in part on NYMEX; (ii) sold platinum or palladium call options in transactions conducted in whole or in part on NYMEX; or (iii) bought platinum or palladium put options in transactions conducted in whole or in part on NYMEX.

Excluded from the Class are Defendants and their employees, affiliates, parents, subsidiaries, and alleged co-conspirators, whether or not named in the Complaint, and the U.S. government; provided, however, that Investment Vehicles shall not be excluded from the definition of "Settlement Class." Also excluded is the Judge presiding over this action, his or her law clerks, spouse, and any person within the third degree of relationship living in the Judge's household and the spouse of such a person.

- (3) appointing Plaintiffs Larry Hollin and White Oak Fund LP as class representatives for the Settlement Class for purposes of settlement only;
- (4) appointing Berger Montague PC and DiCello Levitt LLP as Co-Lead Counsel for the Settlement Class for purposes of settlement only;

- (5) approving the Notice Plan attached as Exhibit C to the Declaration of Elaine Pang dated August 22, 2024 and authorizing dissemination of notice to the Settlement Class;
- (6) preliminarily approving the Plan of Allocation, attached as Exhibit 2 to the Joint Declaration;
- (7) appointing A.B. Data as the Claims Administrator for the Settlement;
- (8) appointing The Huntington National Bank as the Escrow Agent;
- (9) approving the funds in the escrow account established pursuant to Paragraph 5(a) of the Settlement Agreement as a qualified settlement fund (“QSF”) pursuant to Internal Revenue Code Section 468B and the Treasury Regulations promulgated thereunder;
- (10) staying all proceedings in the Action and any other action alleging any claims released by the Settlement Agreement with respect to the Defendants pending final approval or termination of the Settlement;
- (11) approving the proposed schedule for the Settlement, including setting a date for a final fairness hearing; and
- (12) granting such other and further relief as the Court deems just and proper.

Dated: August 23, 2024

Respectfully submitted,

DICELLO LEVITT LLP

BERGER MONTAGUE PC

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